THE OBSERVATOR.

The Clauses of the Treaty of Westphalia, *which limit the Emperor's Power, and secure the Liberty of the Empire. No need of a Guaranty, for the Clauses execute themselves. The Instance of the Persecution in* Silesia, *and of the War with the* Swedes *in* Pomerania, *nothing to the purpose. No Danger to* Europe *from the Emperor's being King of* Spain. *None of his Successors can probably have the Empire and* Spain *too. The Emperor may as well be trusted with the Administration of that Monarchy, as the late Elector of* Bavaria *was to have been by the Treaty of Partition. No Partition can justly or safely be made to the House of* Bourbon.

From Saturday, November 10. to Wednesday, November 14. 1711.

Countrym. I Perceive, Master, our Antagonist has yielded up the Cause, since in his Saturday's Paper he owns, that by the Treaty of *Westphalia*, the exorbitant Power of the Emperor is provided a gainst so, as not to be in danger of happening a- ain; therefore we need no further Argument on at Head.

Obs. 'Twas in vain for him to dispute it, *Ro-* ; for the Treaty it self makes it evident, espe- ally the 64th, 65th, 66th and 67th Articles, which restore all the Electors, Princes and States of the Empire to their antient Territorial Rights, as well Ecclesiastick as Politick, and particularly to their Suffrage in all Deliberations touching the Affairs of the Empire, but chiefly *in making or interpreting Laws, declaring War, imposing Taxes, levying or quartering of Soldiers, erecting new Fortifications, or reinforcing the old Garisons*; as also *when a Peace or Alliance is to be concluded, and treated about, or the like. None of these, or the like things, shall be acted for the future, without the Suffrage and Consent of the free Assembly of all the States of the Empire.* Above all it shall be free perpetually to each of the States of the Empire, to *make Alliances with Strangers* for *their Preservation and Safety*, provided nevertheless such Alliances be not against the Emperor and the Empire, nor against the publick Peace and this Treaty, and without prejudice to the Oath, by which every one is bound to the Emperor and the Empire.'

Can any Man of Sense, upon the perusal of , say, that the Emperor has any thing of arbitrary Power, or that 'tis possible for him to make himself absolute in the Empire, unless the Princes and States concur with him to betray themselves? It was quite otherwise before this Treaty; for then the Emperor declar'd the Leagues made betwixt the Protestant Princes, *&c.* to be Treason and Rebellion, whereas now he cannot; they are at liberty to league not only among themselves, but with Foreigners, in defence of the Privileges granted them by this Treaty. Nor can the Emperor levy Men or Mony in his own Hereditary Dominions, or make any Leagues against , without incurring the hazard of being deposed. There's no need of a Guaranty, for the Treaty executes it self. The Princes and States of the Empire have no more to do but to say no, and all the Emperor's Projects fall to the Ground; for he can do nothing without them, but is as much ty'd up as a Doge of *Venice*, only that he is not confin'd within his Palace, or the Walls of the Capital. Our Adversary's Instance from the Persecution in *Silesia* is nothing to the purpose; that Country is part of the Emperor's Hereditary Dominions; and by the Constitution of the Empire every Prince, with the Consent of his particular Diet, has the Supreme Power in Ecclesiastical as well as Civil Affairs within himself, so it be not against the Treaty of *Westphalia*. And I suppose our Author may remember, that one of the Pleas of the House of *Austria* was, that the *Silesian* Calvinists were not of the *Ausburg* Confession; which tho a groundless Cavil of the Jesuits, yet gave something of a handle. But we find that other Princes of the Empire, as well as the King of *Sweden*, interpos'd in behalf of the *Silesians*, by virtue of the Treaty of *Westphalia*, and asserted their Right; so that we hear no more of that matter: But had the Emperor invaded the Rights of the Protestants in the Dominion of any Protestant Prince, we should soon have heard of the Effects of the *Munster* Treaty.

What the Gentleman says about dislodging the *Swedes* out of the Empire, and vacating the Guaranty of that Treaty, has no manner of ground. No body pretends to take a Foot of Land from the King of *Sweden* in the Empire, but only to drive out an Army which he has no Right to maintain there, aad to prevent his invading his Neighbours. Had he kept to his Quota for *Pomerania*, no body would have troubled him; or had he accepted the Treaty of Neutrality, the *Saxons* and *Danes* could have had no Plea against him: but there's no reason they should sit still, and suffer their Dominions to be ravag'd by his Troops. The Empire has been ten times more injur'd by him that way, than the *German* Protestants have been profited by his Treaty of *Alt-Ranstad*. And had he been as good a Protestant as he pretended, it was in his power to have quell'd the common Enemy of our Religion, and to have given the Protestant Interest the Superiority in the Empire, by joining with the Confederates to reduce the Exorbitant Power of *France*. But however that be, we have no reason to doubt that the Empire will take care to prevent the *Saxons* and *Danes* from exceeding their bounds, or pushing their point against the *Swedes* in *Pomerania*, any further than what is necessary for their own Safety and that of *Germany*.

Countrym. Well, Master, I think you have sufficiently prov'd that the Emperor has no power in the Empire to make himself absolute; and even tho he were fully possess'd of the *Spanish* Monarchy, it can afford him no help towards it, unless the Maritime Powers sit still, and tamely embrace his Chains, which I'm satisfy'd they will never do, either on the side of the *Mediterranean*, or the Western Ocean, or *British* Channel: So that were *Spain* what it was in the time of *Charles* V. and *Philip* II. which we are never like to see; there can be

be no danger of the Emperor's being King of *Spain*, except he could provide the *Spaniards* and his Hereditary Subjects with Wings to flee thro the Air and join one another. Nor do I see there's any hazard of such Leagues in favour of the House of *Austria*, as rais'd *Charles* V. and *Ferdinand* II. to their Exorbitant Power; or that they can ever recover the Dominions of *Burgundy* and the Seventeen Provinces. So that we may justly bid adieu to this Phantom of an Objection, and conjure it to the shades. But what do you say to the Gentleman's other Objection, That the Allies only engag'd to give the Emperor *an equitable and reasonable Satisfaction for the* Spanish *Succession*, but that does not say they promis'd to possess him of the Thing it self?

Obj. That's a poor Cavil, *Roger*. Is there any Article of either Alliance, which says that he shall not be Emperor and King of *Spain* at one and the same time? If any Man oblige himself to give me equitable and reasonable Satisfaction for 1000 *l.* legally due to me by another, does not that entitle me to the whole Sum from the Promiser? But to come as near our Author as I can, are not the Allies engag'd by Treaty to restore the whole *Spanish* Monarchy and the *West-Indies* to the House of *Austria*, and to exclude all Princes of the House of *France* from having any share of it? What then becomes of his Treaty of Partition in favour of that Family, except the House of *Austria* consent to it? And how shall that Consent be obtain'd? If the Emperor be so mighty a Prince as to maintain 200000 Men, it will not be easy to force him without the help of *France*; and if we make an Alliance with her, she will certainly plead for the Lion's Share, and be capable to take it, whenever the Spoil comes to be divided; and that will be *out of the Frying-pan into the Fire.*

But I am still willing to oblige this Gentleman further, and grant for Argument sake that the Allies had the Archduke *Charles* in their view, and neither the Emperor nor the King of the *Romans*, to be Successor of *Spain*; and that his then Imperial Majesty took that to be an Equitable and Reasonable Satisfaction. But why should not the present Emperor have the same? Tho he has no Issue, he is young enough to expect it; and is it not as reasonable that *Spain* should go to any of his Children, as to those of his Father? Is it just to exclude them, if it shall please God to grant him any? And have I not plainly prov'd, that *Europe* can be in no danger by his having the Administration in the mean time? 'Twas not thought so in the Case of the Elector of *Bavaria*, who by the Treaty of Partition was to have the Administration during the Minority of his Son; tho it can't be deny'd, considering his own intrinsick Power, his close Alliance with *France*, and his Neighbourhood to them in the *Netherlands* and *Spain*, that he was as formidable as the Emperor; but much more, if we consider the difference of their Tempers. This was King *William*'s Wisdom, therefore I hope our Author will submit to it.

Besides, if the Emperor should have no Issue, he has Sisters; and 'tis well enough known, that by *Philip* IV's Will, which the Allies are oblig'd to maintain, the Succession of *Spain* is theirs, according to Seniority, and then the danger is over, for the *Germans* will never chuse an Empress. So take it which way you will, the Empire and *Spain* can only be in one Hand during the present Emperor's Life; for if he leave but one Son, 'tis in the power of the *Germans* to refuse him the Imperial Crown, unless he will quit his Pretensions to *Spain*, if they think it necessary he should, as 'tis very probable they will, when *France* is brought so low as not to be capable of disturbing the Peace of *Europe*: But as the Case is at present, 'tis certainly their Interest to have such a Prince at the Head, as is capable of galling that overgrown Monarchy on both sides.

To this I shall add, *Roger*, that the Duke of *Savoy* has the Reversion of the *Spanish* Monarchy next to the House of *Austria*, and the Allies are oblig'd to maintain his Pretensions. So that to partition it in favour of the House of *Bourbon* without the Consent of those two Families, which is not like to be easily obtain'd, is a more probable way to create new Disturbances than to settle the Peace of *Europe*; and instead of having an Alliance to be Guarantees of a future Peace, must break the present Confederacy to pieces, and leave all *Christendom* a Prey to the House of *Bourbon*.

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Where Advertisements are taken in.

The Daily Courant.

Monday, November 12. 1711.

om the Paris Gazette, dated Oct. 31.

Hambourg, October 16.

M. de Witte one of our City Council, who two Years ago was taken into Cuſtody as one of the Authors of our Troubles, ndemned to loſe his Employment, to e Coſts of the Pr ceſs, and to be ex- d from having any Part in the Govern- of the Publick Affairs. The Count chonborn the Imperial Commiſſioner ned hither the 10th of this Month, and cauſed the Regiſters kept by our Magi- s to be laid before him, that he may be med of all that has been done in his nce. Ten or Fifteen Days hence he will out for Francfort, and ſo 'tis likely the rences between our Magiſtrates and hers will not be terminated till after new Emperour ſhall be ſettled on the ne. The States of the Daniſh Holſtein ſſembled at Rensbourg, and began their on the 12th Inſtant. Divers Miniſters other Daniſh Officers have hired Houſes at ckſtad; which makes it judged the King Denmark will paſs the Winter there, be- e of the Deſolation which the Plague inues to make at Copenhagen. We Advice, that laſt Week there died of it at City no more than Six Hundred and ty Perſons: But it has ſpread to divers s of the Iſle of Zeeland, whither ſome left the City have carried it. A few died of it at Roſchild, which has ged ſeveral Perſons of Quality who retired for Safety thither, to remove ore diſtant Places. An Order has been ſhed forbidding the Inhabitants of the of Zeeland, on pain of Death, to attempt roſs the two Belts; which is done to erve the other Iſlands and the Country Jutland from Infection; and the ſaid In- tants have likewiſe been commanded to ſome Perfume in their Houſes every , by that Means to purify the Air. Let- from the Camp before Stralſund ſay the y had not yet undertaken any thing, want of Artillery; the Saxon Artillery expected in the Camp in a few Days; conſiſted of twelve Cannon, thirty ſix ggons loaded with Grenadoes and other Ammunition, twenty loaded with Powder, fourteen with Bullets, and twenty ſix with Cheſts full of ſmall Arms. The Daniſh Fleet continues to cruiſe in the Baltick, being victualled to the 15th of November. Deſerters from Stralſund report, that two Barks laden with Ammunition had got in there; that the Troops in the Town and on the Iſland of Rugen had Proviſions in Abundance, and wanted nothing but Money, having two or three Month's Pay due to them. So we begin to doubt that the King of Denmark and King Auguſtus will not be able to lay Siege in form to Stralſund, nor to make a Deſcent on the Iſland of Rugen; the rather becauſe both are in a good Condition for Defence, becauſe Winter is coming on apace, and becauſe General Meyerfeld is ſolliciting the Nobleſſe of Pomerania to repair to Stetin to form a Body with the Troops that are there, in order to incommode the Beſiegers, intercept their Convoys, or make a Diverſion.

Portſmouth, November 9. Her Majeſty's Ships Riding at Spithead, are, the Monmouth, Medway, and Solebay. Yeſterday in the Forenoon the Faulkland ſail'd from Spithead with about twenty Sail of Merchant-Ships and Coaſters, all bound to the Eaſtward. And this Morning ſail'd out of the Harbour the Lanceſton to Spithead.

Portſmouth, November 10. Her Majeſty's Ships Riding at Spithead, are, the Monmouth, Medway, Solebay, and Lanceſton, with three Dutch Men of War.

Deal, November 9. This Morning came in hither her Majeſty's Ship Faulkland, with about twelve Sail of Coaſters and others from Portſmouth.

Deal, November 10. The Ships mentioned in my Letters of the 7th and 8th to be remaining in the Downes, are all ſtill there. Juſt now her Majeſty's Ship Ruſſel ſail'd toward the River, and the Dragon for Harwich.

Theſe are to give Notice, That the Harley Packet-Boat will be ready to ſail from Briſtol to New-York on the 18th of this preſent Month of November, Wind and Weather permitting, with the Mails of Letters for her Majeſty's ſeveral Dominions on the Continent of America: And that Thurſday the 15th of the ſaid Month is appointed the laſt Day for receiving Letters at the General Poſt-Office to be ſent to the Continent by the ſaid Packet-Boat.

the Empire not to give that Court the least Admission into the Affairs of the Germanick Body, especially in what relates to the Election of an Emperour, for if very strict Care be not taken in this

and India Silks, &c. for Exportation, which are [illegible] ned according to Law, and are to be seen at the Queen's Wa[illegible] at the Custom-house, on Monday, Tuesday, and Wednesday [illegible] 20th and 21st Instant, from 8 to 12 in the Forenoon, and [illegible] 5 in the Afternoon, and on Thursday from 8 to 12 in the For[illegible]

LONDON, Printed by *Sam. Buckley*, at the *Dolphin* in *Little-Britain*; and Sold by *A. Baldwin* in *Warwick-Lane*.